

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
Plaintiff,) NO. CR-12-072-LRS
v.) ORDER REGARDING DISCOVERY
KEVIN M. ELLISON,) AND PRETRIAL MOTIONS
Defendant.)

OPEN FILE DISCOVERY

In voluntary discovery cases, the United States, within seven (7) business days of the date of arraignment, shall deliver to the Defendant all investigative material in its file, required by the Federal Rules of Criminal Procedure, specifically including, but not limited to, police and incident reports and Defendant's criminal record. The United States shall continue to furnish discovery as received and complete the process within **fourteen (14) days** of the date of this Order, or within **fourteen (14) days** from receipt by Plaintiff of the discovered material, if later received. These directives assume a defense request for discovery pursuant to FED. R. CRIM. P. 16, and impose a reciprocal duty to provide discovery. If a Defendant does not wish to invoke the rule, the Defendant shall file a notice, prior to accepting discovery from the government.

NOTICE OF NON-DISCOVERY

If the United States, for any reason, is not going to

1 voluntarily provide all investigative material, it will serve and
2 file a notice to that effect within seven (7) days of this Order.
3 If discovery received after the date of this Order is not going to
4 be voluntarily furnished, a notice to that effect shall be filed and
5 served within seven (7) days of the United States' receipt of such
6 material. Absent the filing of such notice, all discovery shall be
7 promptly furnished consistent with the provisions of this Order.

DEFENSE MOTIONS

9 If the United States serves and files the seven-day notice of
10 non-disclosure, Defendant shall file discovery motions within
11 fourteen (14) days thereafter. Except as earlier provided, and to
12 prevent manifest injustice, Defendant shall have thirty (30) days
13 from arraignment to file other motions.

SCHEDULING MOTIONS

Responses to motions shall be filed and served no later than seven (7) days, excluding weekends and holidays, from receipt of motions. Replies, if any, shall be filed within seven (7) days, excluding weekends and holidays, of receipt of responses. Motions shall be noted for hearing with or without oral argument, pursuant to local rules. Unless shortened by the court, upon motion and good cause shown, oral argument should be noted for the time of the pretrial conference, provided this schedule permits all briefing to occur within the time frame set forth in LR 7, Local Rules for the Eastern District of Washington.

NOTICE OF CONFLICT OF INTEREST

26 The representation by one lawyer, or by different members of
27 one law firm, of two or more Defendants charged under the same
28 instrument or charged with factually related offenses will be

1 permitted only on a showing that no conflict does, or will likely
2 exist, or on a knowing waiver, executed in open court before a
3 federal district judge.

4 Counsel who plan to represent two or more Defendants charged
5 under the same instrument, or charged with factually related
6 offenses, shall immediately file a motion to secure prior approval
7 of such representation by the federal district judge to whom this
8 case is assigned.

9 In addition, counsel shall promptly investigate whether other
10 conflicts exist that may prevent representation, and bring any
11 potential conflicts to the attention of the court as soon as
12 possible.

13 **IT IS SO ORDERED.**

14 DATED June 19, 2012.

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S/ CYNTHIA IMBROGNO
17 UNITED STATES MAGISTRATE JUDGE
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